

WHITE PLAINS URBAN RENEWAL AGENCY

255 Main Street • White Plains • NY • 10601 • (914) 422-1300

December 31, 2014

NOTICE OF SPECIAL URBAN RENEWAL AGENCY MEETING AND AGENDA

Date/Time: Wednesday, January 7, 2015 at 9:00 A.M.

Place: Mayor's Conference Room, City Hall, 255 Main Street

The Agency will hold a special meeting at the time and place noted above to consider the matters described in the attached Agenda.

WHITE PLAINS URBAN RENEWAL AGENCY

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AGENDA

Special Meeting of the White Plains Urban Renewal Agency

Mayor's Conference Room
January 7, 2015 at 9:00 AM

1. Roll Call
2. Action Items:
 - a. Resolution 1-2015: Approval of the Phase I Urban Renewal Plan for the Westchester Avenue Urban Renewal Project, Project No. WPUR-14.
3. Other Business
4. Adjournment

WHITE PLAINS URBAN RENEWAL
AGENCY RESOLUTION 1-2015

RESOLUTION OF THE WHITE PLAINS URBAN RENEWAL AGENCY ADOPTING AN URBAN RENEWAL PLAN FOR THE WESTCHESTER AVENUE URBAN RENEWAL PROJECT, PROJECT NO. WPUR-14 WHICH PROJECT AREA WAS DELINEATED AND DESIGNATED AS AN URBAN RENEWAL AREA BY THE COMMON COUNCIL AT ITS MEETING OF DECEMBER1, 2014.

WHEREAS:

- A. Pursuant to Section 504 of the New York State General Municipal Law (“GML”), at its meeting of November 24, 2014, the White Plains Urban Renewal Agency (“Agency”) reviewed (1) a report, dated November 18, 2014 (“Project Area Designation Report”) on the conditions of properties located within an area fronting on Westchester Avenue proposed by Agency staff and the Department of Planning as appropriate for urban renewal, such area being defined and described herein as the Westchester Avenue Urban Renewal Project, Project No. WPUR-14 (“Westchester Avenue Project Area” or “Project Area” and (2) further received comments and recommendations from Agency staff and the Planning Department.
- B. The Project Area Designation Report prepared by Agency staff and the Planning Department identified the following conditions within the Westchester Avenue Project Area:
 - 1. the Project Area includes 19 properties, totaling 6.2 acres, located along portions of Westchester Avenue and Franklin Avenue, which properties are listed in Table 1 of the Project Area Designation Report and shown in Figure 1 of that Report;
 - 2. the properties located in the proposed Westchester Avenue Project Area have not been previously reviewed or considered for urban renewal project designation; and
 - 3. the properties in the Project Area are characterized by the following:
 - a. irregularity of the lots;
 - b. inadequacy of streets, circulation, and parking;
 - c. inadequate utilization of land;
 - d. poorly functioning drainage area; and
 - e. traffic safety issues and congestion.
- C. As a result of the conditions identified in the Westchester Project Area Report, Agency staff recommended that the Agency make the following findings:
 - 1. the Project Area has the potential to have a blighting influence on surrounding residential and commercial properties;
 - 2. the Project Area is appropriate for urban renewal as defined in GML Sections 502.3, 502.7 and 505;
 - 3. The proper development or redevelopment of this area can best be effectuated under the provisions of GML Articles 15 and 15A; and
 - 4. The implementation of an urban renewal project for this Project Area, pursuant to a

duly adopted urban renewal plan, is in the interest of sound community planning and is in the public interest.

- D. The Agency staff further recommended, pursuant to GML Section 505, that, due to the scope of the Westchester Avenue Project Area, it is appropriate to have the urban renewal activities in the designated area carried out in stages.
- E. Based on its review of the Westchester Avenue Project Area Report and the recommendations of the Agency and Planning Department staff, the Agency, at its meeting of November 24, 2014, made the following findings in Agency Resolution 12-2014:
1. Due to the factors inhibiting redevelopment [listed in Agency Resolution 12-2014], the proposed WPUR-14 Project Area requires substantial continuing capital investment and rehabilitation to arrest the conditions causing these properties to be in a blighted condition and causing the area represented by these properties to have a blighting influence on the surrounding area, as defined in Section 502.4;
 2. Capital investment in expanded municipal parking facilities would help to alleviate parking shortages in the area that contribute to the blighted or blighting conditions. This could best be effectuated by the inclusion of these municipal parking properties into the Westchester Avenue Urban Renewal Project WPUR-14 Project Area, which would facilitate otherwise unavailable public and private alternatives, including public/private partnerships, available under the provisions of Article 15 of the NYS General Municipal Law;
 3. Consistent with NYS GML Section 502.4, it is appropriate that certain identified Project Area parcels and improvements be included in the Westchester Avenue Urban Renewal Project WPUR-14 Project Area, even though these buildings and improvements are "not in themselves substandard or insanitary," but are properties "the inclusion of which is deemed necessary for the effective undertaking of one or more urban renewal programs;"
 4. The implementation of an urban renewal project in the Westchester Avenue Urban Renewal Project WPUR-14 Project Area is in the interest of sound community planning and in the public interest;
 5. The designation and delineation of the proposed Westchester Avenue Urban Renewal Project Area WPUR-14 is both necessary and appropriate to address the blighted or blighting area represented by these properties; and
 6. Not to address the blighted or blighting conditions of this area may tend to impair or arrest the sound growth and development of the surrounding area, including the preservation and growth of retail and commercial, office, businesses and governmental uses in the surrounding area, the downtown and the City as a whole.
- F. Based on the findings made by the Agency in Resolution 12-2014, the Agency recommended in said Resolution that the Common Council, on its own motion and pursuant to GML Section 504, approve the delineation and designation of the Westchester Avenue Urban Renewal Project known as the WPUR-14 Project Area, to

include the 19 properties as shown in Table 1 and Figure 1 of the Project Area Designation Report which Table and Figure were also attached to and made a part of Resolution 12-2014.

- G. By adoption of Agency Resolution 12-2014, the Agency further recommended that the Common Council request that the Agency prepare an Urban Renewal Plan for the first phase of the Westchester Avenue WPUR-14 Project, to address the long term rehabilitation, operation, and maintenance needs in the Project Area, including the need for continued capital investment in the Project Area while affording the "maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program," as required by GML Section 505.4(c).
- H. Pursuant to GML Section 504, and based upon the recommendations and findings of the White Plains Urban Renewal Agency made in Agency Resolution 12-2014, on December 1, 2014, the Common Council adopted a resolution finding that the proposed Westchester Avenue Urban Renewal Project No. WPUR-14, as described in Agency Resolution 12-2014 and shown on Figure 1 of the Project Area Designation Report, encompassing the 19 properties in said Project Area, as listed on Table 1 of said Report (both Figure 1 and Table 1 being attached to the Common Council resolution and included as exhibits in the Phase I Westchester Avenue Urban Renewal Plan) is a substandard or insanitary area which may tend to impair or arrest the sound growth and development of the City and which is suitable and appropriate for urban renewal as that term is defined in GML Section 502.3.
- I. Consistent with its findings and pursuant to Section 504 of the General Municipal Law, in said Common Council resolution, the Common Council delineated and designated the Westchester Avenue Urban Renewal Project, Project No. WPUR-14.
- J. Further consistent with its findings and pursuant to Section 505.1 of the General Municipal Law, in said Common Council resolution, the Common Council directed the Agency to prepare an urban renewal plan for the Westchester Avenue Urban Renewal Project No. WPUR-14, and further directed the Agency, upon Agency approval of such plan, to cause it to be submitted to the Planning Board for review and submission of a certified report to the Common Council after a duly noticed public hearing.
- K. An urban renewal plan is defined in General Municipal Law at Section 502.7 as "A plan for an urban renewal project which shall conform to the comprehensive community plan for the development of the municipality as a whole and which shall be consistent with local objectives. Such urban renewal plan shall include but shall not be limited to: a statement of proposed land uses; proposed land acquisition, demolition and removal of structures; proposed acquisition of air rights and concomitant easements or other rights of user necessary for the use and development of such air rights; proposed methods or techniques of urban renewal; proposed public, semi-public, private or community facilities or utilities; a statement as to proposed new codes and ordinances and amendments to existing codes and ordinances as are required or necessary to effectuate the plan; proposed program of code enforcement; a proposed time schedule for the

effectuation of such plan, and such additional statements or documentation as the agency may deem appropriate.”

- L. Consistent with GML Section 505 and with the directions of the Common Council to the Agency in its resolution, adopted December 1, 2014, designating and delineating the Westchester Avenue Urban Renewal Project Area, Project No. WPUR-14, for the Agency to prepare an urban renewal plan for the Project Area, Agency staff has prepared and submitted to the Agency a proposed Westchester Avenue Urban Renewal Area Project No. WPUR-14 Phase I Urban Renewal Plan, dated December 30, 2014 (“Westchester Avenue Phase I Urban Renewal Plan” or “Phase I Plan”), which Phase I Plan was submitted to the Agency members on December 31, 2014 and appears on the agenda of the Agency for its meeting of January 7, 2015.
- M. The Westchester Avenue Phase I Urban Renewal Plan states that its vision is “to transform the underutilized site into a vibrant, mixed-use development that transitions from commercial uses along Westchester Avenue to residential uses along Franklin Avenue, thereby harnessing the full potential of the site, increasing the tax base, and creating a welcoming place for people to live, work and shop.”
- N. Based on this vision statement and the issues identified in the Westchester Avenue Urban Renewal Project Area Report, the Phase I Plan sets forth the following goals related to improving conditions in the Phase I Project Area:
 - 1. To eliminate substandard conditions;
 - 2. To promote mixed-use redevelopment of underutilized land;
 - 3. To create a safe and attractive pedestrian environment;
 - 4. To improve safety and efficiency in vehicular access and circulation;
 - 5. To address deficiencies in off-street parking;
 - 6. To enhance the aesthetics and overall image of the Project Area; and
 - 7. To help generate economic activity and increase the tax base.
- O. The Phase I Plan addresses the consistency of the Phase I Plan with the 1997 Comprehensive Plan of the City of White Plains as amended through 2006 (“Comprehensive Plan”), which Comprehensive Plan meets the definition of a “comprehensive community plan” in GML Section 502.6, and demonstrates that the Westchester Avenue Project Area is identified in the City’s Comprehensive Plan as an “Area Where Major Redevelopment Could Occur,” with recommendations for its redevelopment included in the Comprehensive Plan discussions of New Corridors and Major Properties. Specific Comprehensive Plan recommendations for the redevelopment of the proposed Westchester Avenue Urban Renewal Project Area are listed below:
 - 1. Intersections with high degrees of pedestrian-vehicular conflict are predominantly found along ... Westchester Avenue. Possible modifications to reduce these conflicts include neck downs (sidewalk extensions at intersections), pavement design changes used in other communities, more pedestrian crosswalks, and curbside parking during non-rush hour periods.
 - 2. The Plan’s vision for this segment of Westchester Avenue is a medium density commercial corridor that clearly separates the commercial “Specialty Retail Area” on the south side of Westchester Avenue from the intermediate business district to

the north of Westchester Avenue.

3. The zoning along the northerly side of Westchester Avenue from the supermarket access road to Armory Place should remain B-3 Intermediate Business district. Any development in this area must be carefully assessed to ensure that traffic and parking impacts will not negatively impact residential uses in the RM-0.35 residential district along Franklin Avenue.
 4. Protect the residential neighborhoods of Eastview and Carhart, which abut the Core Area's Specialty Retail Area and Westchester Avenue, from intrusion of commercial uses, accessory uses and their impacts, including parking, traffic and conversion of residential uses to nonresidential uses.
 5. The Plan's vision for the Eastview School and the adjacent publicly and privately-owned properties running through to Westchester Avenue ... envisions the unified redevelopment of the northern Westchester Avenue frontage with new commercial uses, particularly including a supermarket.
 6. From an overall perspective, Westchester Avenue would provide a more appropriate frontage for retail development than would the Eastview property. The area presently contains a mix of uses, including a municipal parking lot with development significantly less than the zoning potential. The opening of The Westchester has increased the value of Westchester Avenue as a retail location. Any commercial development along this frontage should have access from Westchester Avenue, preferably at the Bloomingdale Road intersection and not from neighborhood streets such as Franklin Avenue or Amherst Place.
- P. The Phase I Plan includes, but is not limited to, the components set forth in GML Section 502.7 for an urban renewal plan, including the following:
1. a statement of proposed land uses under the heading "Permitted Uses";
 2. proposed land acquisition, demolition and removal of structures under the heading "Land Acquisition;
 3. proposed methods or techniques of urban renewal described throughout the Phase I Plan;
 4. proposed acquisition and redevelopment of public, semi-public, private or community facilities or utilities;
 5. a statement of proposed new codes and ordinances and amendments to existing codes and ordinances as are required or necessary to effectuate the Phase I Plan under the heading "Permitted Uses";
 6. proposed program of code enforcement consistent with the City's codes and regulations; and
 7. a proposed time schedule for the effectuation of the Phase I Plan; and
 8. such additional statements or documentation as the Agency may deem appropriate.
- Q. GML Sections 505.2-4 set forth the procedure for the approval of an urban renewal plan after an urban renewal area has been designated pursuant to General Municipal Law Section 504:
1. The Agency must prepare or cause to be prepared an urban renewal plan for all or a part of the designated project area. The Agency staff has presented such a plan, the Westchester Avenue Phase I Urban Renewal Plan, for the Agency's consideration

- pursuant to GML Section 505.1.
2. Upon acceptance of an urban renewal plan, the Agency must submit such plan for the designated area to the Planning Board which board, after a duly noticed public hearing, must certify to the Common Council, as the governing body, whether such plan complies with the requirements of GML 502.7 and conforms to the findings made pursuant to GML Section 504.
 3. No later than 10 weeks after the date the urban renewal plan is referred to the Planning Board and after the duly noticed public hearing, the board must certify to the Common Council as the governing body:
 - (a) its unqualified support for the plan;
 - (b) its qualified approval with recommendations for modifications identified in its certification; or
 - (c) its disapproval of the plan.
 4. After a duly noticed public hearing has been held by the Common Council, either after receipt of the certified report from the Planning Board or after the date upon which such report is due from the Planning Board, the Common Council may take one of the following actions:
 - (a) if the Planning Board certifies its unqualified approval of the plan, the Common Council may approve the urban renewal plan by a majority vote;
 - (b) if the Planning Board certifies its disapproval of the plan or fails to make a report within the ten week time frame allotted, the Common Council can still approve the plan but it must be by a three-fourths vote; or
 - (c) if the Planning Board gives a qualified certification with recommendations for modifications, the Common Council may approve the plan with the recommended modifications of the Planning Board by a majority vote or approve the plan without the Planning Board modifications by a three-fourths vote.
 5. After approving the urban renewal plan, the Common Council must make the applicable findings set forth in GML 505.4.
- R. The Agency has reviewed and considered the Westchester Avenue Phase I Urban Renewal Plan and this Resolution 1-2015 prepared by Agency staff.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Agency hereby finds that the Westchester Avenue Phase I Urban Renewal Plan for the Westchester Avenue Urban Renewal Project No. WPUR- 14, dated December 30, 2014, is consistent with the Comprehensive Plan, which Plan is the “comprehensive community plan” for the City of White Plains identified and described in GML Section 502.6.
2. The Agency hereby further finds that the Westchester Avenue Phase I Urban Renewal Plan includes the components of an urban renewal plan and meets the requirements of GML Section 502.7
3. The Agency hereby further finds that the vision for the delineated and designated Westchester Avenue Urban Renewal Project No. WPUR- 14 as set forth in the Westchester Avenue Phase I Urban Renewal Plan is appropriate and is in the interest of sound

community planning and in the public interest.

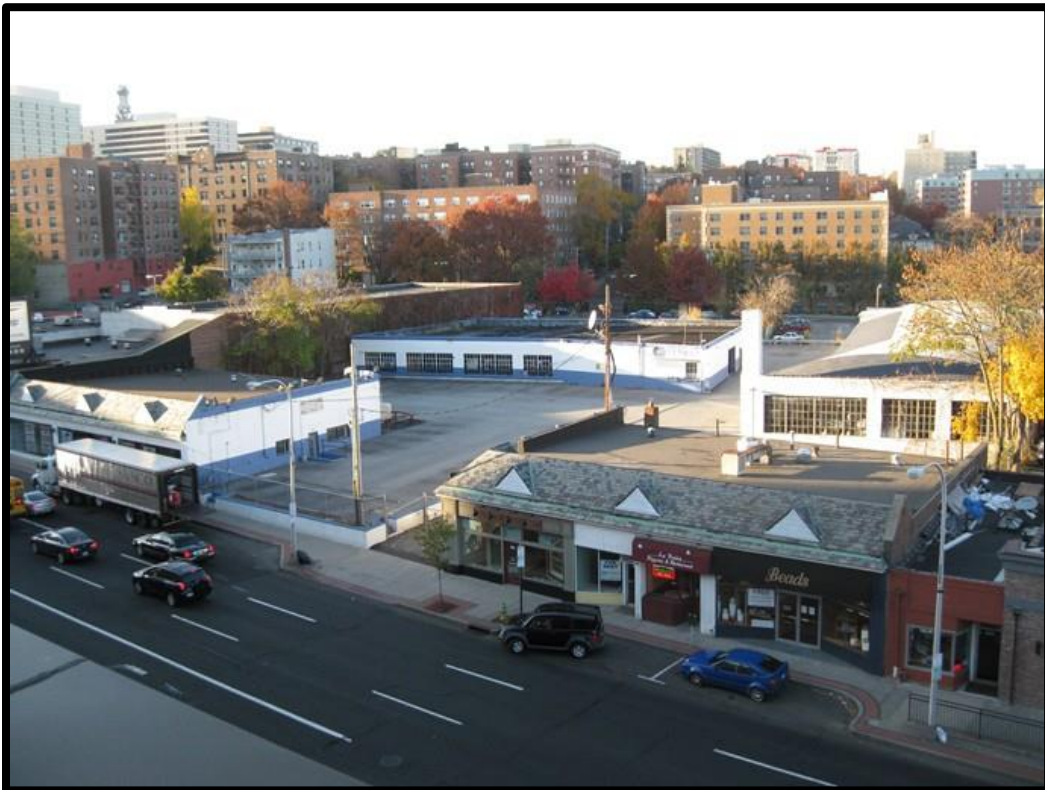
4. The Agency hereby approves the Westchester Avenue Phase I Urban Renewal Plan for the Westchester Avenue Urban Renewal Project No. WPUR- 14, dated December 30, 2014.
5. The Agency hereby directs the Executive Director of the Agency to submit the Westchester Avenue Phase I Urban Renewal Plan for the Westchester Avenue Urban Renewal Project No. WPUR- 14, dated December 30, 2014, to the Planning Board with detailed directions to that Board, as set forth in GML Section 505, regarding the holding by the Planning Board of a public hearing on the Westchester Avenue Phase I Urban Renewal Plan and the required procedures and alternatives for the Planning Board to follow in its review and certification to the Common Council of a report on said Westchester Avenue Phase I Urban Renewal Plan.

Dated: December 31, 2014

Approved: January 7, 2015

WHITE PLAINS URBAN RENEWAL AGENCY WESTCHESTER AVENUE URBAN RENEWAL AREA

PROJECT NO. WPUR – 14
PHASE I URBAN RENEWAL PLAN



Prepared by: White Plains Urban Renewal Agency Staff

Submitted to: White Plains Urban Renewal Agency

Date: December 30, 2014

Adopted: January 7, 2015

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I. INTRODUCTION

A. LEGAL AUTHORITY

Based on the recommendation of the White Plains Urban Renewal Agency (“the Agency”), the City of White Plains (“the City”), by resolution of the Common Council, has designated the Westchester Avenue Urban Renewal Area as “White Plains Urban Renewal Area 14” (“WPUR-14”) pursuant to §504 of Article 15 of the New York State General Municipal Law. The Agency represents the City in carrying out the provisions of New York General Municipal Law (“GML”) Articles 15 and 15-A and the following Local Laws of the City of White Plains incorporating GML Article 15-A: Local Law 1963, Ch. 573, § 1 and § 2; Local Law 1964, Ch. 266, § 583; and Local Law 1964, Ch. 928, § 1 (together referred to herein as the “Urban Renewal Law”). In accordance with the requirements set forth in Article 15, this Urban Renewal Plan for the Westchester Avenue Urban Renewal Area has been prepared to promote and regulate development within the Urban Renewal Area as defined below. It is based, in part, on the findings of the December 2014 *Westchester Avenue Urban Renewal Area Designation Study*.

B. PROJECT OVERVIEW

By designating the Westchester Avenue Urban Renewal Area, the City of White Plains acknowledged the condition of “slum and blight,” as defined in the Urban Renewal Law and such areas proximate thereto which are becoming slum or blighted due to substandard, insanitary, deteriorated or deteriorating conditions. The City of White Plains through the White Plains Urban Renewal Agency intends to address these conditions by undertaking a renewal process within the designated area, including clearance, re-planning and regulatory revisions, reconstruction, redevelopment, rehabilitation, restoration and/or conservation related to public and private improvements. Pursuant to the provisions of the Urban Renewal Law, it is recommended that the urban renewal activities to be undertaken in the Urban Renewal Area be carried out in stages. This document, the “Westchester Avenue Urban Renewal Area Phase I Plan” constitutes the plan for the revitalization of a 5.17-acre portion of the designated approximately 6.2-acre Westchester Avenue Urban Renewal Area (see Figure 1, “Westchester Avenue WPUR-14 Parcels, Zoning, and Phase I Project Area”).

The purpose of this plan (referred to herein as the “Westchester Avenue Urban Renewal Area Phase I Plan” (“the Phase I Plan”)) is to stimulate and guide public and private investments, and to identify the specific activities necessary to redevelop the Phase I Project Area (“the Project Area”). The Phase I Plan is based on the vision, goals, and objectives, listed below, and includes the following components, as stipulated in the Urban Renewal Law:

- A proposed land use plan;
- Proposed land acquisition, demolition, and removal of structures and other clearance activities;
- A statement of proposed redevelopment activities, including planned land uses, maximum density, and building requirements;
- Proposed acquisition of easements or other rights of user necessary for the use and development of the Project Area;
- Proposed methods or techniques of urban renewal;
- Proposed public, semi-public, private or community facilities or utilities;
- A statement as to proposed new codes and ordinances and amendments to existing codes and ordinances as are required or necessary to effectuate the plan; and
- Proposed program of code enforcement; a proposed time schedule for the effectuation of such plan, and such additional statements or documentation as the agency may deem appropriate.

II. DESCRIPTION OF THE PROJECT

A. PROJECT AREA BOUNDARY

URBAN RENEWAL AREA BOUNDARY

The Westchester Avenue Urban Renewal Project Area was officially designated as “Urban Renewal Project Area - WPUR-14” by unanimous vote of the Common Council at its December 1, 2014 meeting. The boundary of the Urban Renewal Area WPUR-14 is shown in Figure 1, the Urban Renewal Area encompasses 19 parcels of land comprising approximately 6.2 acres. It is located directly north of The Westchester shopping mall and extends from Westchester Avenue to Franklin Avenue. The WPUR-14 area, located immediately west of the Bloomingdale Road exit off Interstate-287, has excellent highway access. It lies just outside the City’s downtown area and is about one mile from the White Plains TransCenter and Metro North rail station. See Figure 2, “Project Location.”

PHASE I PROJECT AREA BOUNDARY

The Phase I Project Area was selected for the Phase I Plan based on the fact that the majority of the total land area of the Phase I parcels is held by or contracted to be sold to one common owner. As shown in Figure 1 the Phase I Project Area includes 15 of the 19 parcels in the Westchester Avenue Urban Renewal Area. Table 1, “Westchester Avenue WPUR-14 Phase I Project Area: Existing Land Use, Ownership, and Zoning” provides the characteristics of the 15 individual parcels.

B. VISION, GOALS, AND OBJECTIVES

VISION

The overall vision for the area is to transform the underutilized site into a vibrant, mixed-use development that transitions from commercial uses along Westchester Avenue to residential uses along Franklin Avenue, thereby harnessing the full potential of the site, increasing the tax base, and creating a welcoming place for people to live work and shop.

GOALS

Based on this vision and the issues identified in the Westchester Avenue Urban Renewal Project Area Designation Study, this Plan is guided by the following goals related to improving conditions in the Phase I Project Area:

1. To eliminate substandard conditions;
2. To promote mixed-use redevelopment of underutilized land;
3. To create a safe and attractive pedestrian environment;
4. To improve safety and efficiency in vehicular access and circulation;
5. To address deficiencies in off-street parking;
6. To enhance the aesthetics and overall image of the Project Area; and
8. To help generate economic activity and increase the tax base.

TABLE 1
WESTCHESTER AVENUE WPUR-14 PHASE I PROJECT AREA
Existing Land Use, Ownership, and Zoning

Map #	Address	SBL	Land Area (sf)	Acres	Owner	Land Use	Improved	Zoning District	Max FAR	Max Building Coverage	Height (Max)	
											Stories	Feet
1	30-36 Franklin Ave	126.61-3-23	15,801	0.36	70 Westchester, LLC	Car dealership auto storage	Unimproved	RM-0.35	3.2	60%	6 (n)	125
2	38-40 Franklin Ave	126.61-3-24	10,530	0.24	70 Westchester, LLC	Car dealership auto storage	Unimproved	RM-0.35	3.2	60%	6 (n)	125
3	42-44 Franklin Ave	126.61-3-25	10,475	0.24	70 Westchester, LLC	Car dealership auto storage	Unimproved	RM-0.35	3.2	60%	6 (n)	125
4	50 Franklin Ave	126.61-3-26	27,897	0.64	City of White Plains	Municipal Parking Lot	Unimproved	RM-0.35	3.2	60%	6 (n)	125
5	58-60 Franklin Ave	26.61-3-27	6,664	0.15	City of White Plains	Municipal Parking Lot	Unimproved	RM-0.35	3.2	60%	6 (n)	125
6	62 Franklin Ave	126.61-3-28	6,821	0.16	City of White Plains	Municipal Parking Lot	Unimproved	RM-0.35	3.2	60%	6 (n)	125
7	Franklin Ave	126.61-3-29	4,031	0.09	City of White Plains	Municipal Parking Lot	Unimproved	RM-0.35	3.2	60%	6 (n)	125
8	116 Westchester Ave	126.61-3-10	20,460	0.47	Winnick Realty LLC	Car Rental	2,106 sf Bldg.	B-3	2	80%	4	50
9	106 Westchester Ave	126.61-3-11	17,876	0.41	Doyle, Helen Hartwell	Westchester Burger Co.	2,979 sf Bldg.	B-3	2	80%	4	50
10	92-98 Westchester Ave	126.61-3-12	6,250	0.14	Saber White Plains, LLC	1 retail, 2 vacant	4,331 sf Bldg.	B-3	2	80%	4	50
11	84-88 Westchester Ave	126.61-3-14	7,622	0.17	Chauncey White Plains, LLC	Auto service parking	Unimproved	B-3	2	80%	4	50
12	80 Westchester Ave	126.61-3-13	52,053	1.19	Chauncey White Plains, LLC	Auto service center	26,060 sf Bldg.	B-3	2	80%	4	50
13	70 Westchester Ave	126.61-3-15	15,991	0.37	70 Westchester, LLC	Car dealership	23,754 sf Bldg.	B-3	2	80%	4	50
14	64-68 Westchester Ave	126.61-3-16.1	9,098	0.21	70 Westchester, LLC	Car dealership		B-3	2	80%	4	50
15	62 Westchester Ave	126.61-3-16.2	18,141	0.42	70 Westchester, LLC	Car dealership	Unimproved	B-3	2	80%	4	50

Total Land Area (sf) 225,151 5.17
acres

(n) – The number of stories may be increased within the maximum height as measured in feet, with a front yard of not less than 20 feet, on issuance of a special permit by the Common Council.

OBJECTIVES

To achieve such comprehensive redevelopment within the WPUR-14 Project Area the objectives of the Phase I Plan include the following:

ELIMINATE SUBSTANDARD CONDITIONS

- Remove impediments to land assemblage in order to provide a site for construction of a new mixed-use development.
- Remove substandard structures and land uses that do not contribute to the vitality of the neighborhood, which have a blighting influence on the Project Area, the surrounding residential and commercial area, and are incompatible with recommendations of the Comprehensive Plan.
- Identify any potential for contaminated materials in the project area has been properly investigated and remediated, as appropriate.

PROMOTE MIXED-USE REDEVELOPMENT

- Facilitate new mixed-use development, including new multi-family housing; retail and service uses, and shared private/public parking through appropriate modifications to City land use regulations, including zoning regulations.

IMPROVE PUBLIC SAFETY BY CREATING A SAFE AND ATTRACTIVE PEDESTRIAN ENVIRONMENT

- Acquire the driveway that runs along the east side of the Westchester Burger Company building, located at 106 Westchester Avenue, for the following purposes: to address existing safety hazards for pedestrians and vehicles; and to provide access to a new parking garage to serve the entire Project Area.
- Acquire or obtain an easement from the Avis/Budget car rental site (116 Westchester Avenue) for the purpose of developing a pedestrian walkway/sidewalk connecting the Franklin-Windsor/Eastview neighborhood with the Project Area and other destinations on Westchester Avenue and beyond.

IMPROVE SAFETY AND EFFICIENCY IN VEHICULAR ACCESS AND CIRCULATION

- Re-design and improve vehicular circulation areas. This shall include but not be limited to:
 - Providing for shared access points to public roads;
 - Re-designing the Westchester Burger driveway to: eliminate the existing steep change in grade and two-way traffic on the narrow driveway; improve obstructed sight lines; and provide shared access and parking with adjoining lots; and
 - Focusing site ingress and egress at the existing traffic signal at Paulding Street;
- Provide needed changes in signal timing and phasing.
- Maintain good truck access to businesses within the urban renewal area while limiting truck movement on residential streets.

ADDRESS DEFICIENCIES IN OFF-STREET PARKING

- Transfer ownership of the 153-space Franklin municipal parking lot from the City to the Agency for the purpose of re-developing the existing surface lot into a parking garage that increases the number of available spaces on the site, for use by existing residents of the neighborhood and for the future development of the Phase I Project Area.
- Design a parking structure that will accommodate required parking for the private mixed-use development in the urban renewal area.

ENHANCE THE AESTHETICS AND OVERALL IMAGE OF THE PROJECT AREA

- Provide clear development standards for the mixed-use redevelopment of the area.
- Remove large areas of deteriorating structures and surface parking.
- Move uses that have a negative visual impact to below grade locations thereby retaining existing business while utilizing prime street level space for retail and pedestrian friendly uses.

GENERATE ECONOMIC ACTIVITY AND INCREASE THE TAX BASE

- Replace unimproved surface parking areas and under-developed one story structures with new multi-story mixed-use buildings that will generate higher tax revenues and create both temporary construction and permanent operating jobs.

C. PROPOSED LAND USE PLAN

As stated above, the Common Council has designated the WPUR-14 Urban Renewal Area and instructed the Agency to prepare an Urban Renewal Plan for its revitalization. This Plan proposes clearance and redevelopment activities for deteriorated properties and key underutilized sites within the Phase I Project Area. These activities include the demolition of existing improvements, followed by construction of a new mixed-use development.

LAND ACQUISITION AND LAND USE MAP

Acquisition Parcels may be acquired by any means permitted pursuant to applicable Laws. Regardless of the method of acquisition, every Acquisition Parcel acquired by the City or the Agency will be subject to the controls of, and developed in accordance with General Municipal Law Articles 15 and 15A, and with this Plan. The following properties are proposed to be acquired for the purpose of achieving the objectives stated herein:

<u>Address</u>	<u>Owner</u>	<u>SBL</u>	<u>Land Area</u>	<u>Current Use</u>
116 Westchester Avenue	Winnick Realty LLC	126.61-3-10	20,460	Motor vehicle rental
106 Westchester Avenue	Helen Hartwell Doyle	126.61-3-11	17,876	Restaurant
50 Franklin Avenue	City of White Plains	126.61-3-26	27,897	Parking lot
58-60 Franklin Avenue	City of White Plains	126.61-3-27	6,664	Parking lot
62 Franklin Avenue	City of White Plains	126.61-3-28	6,821	Parking lot
Franklin Avenue	City of White Plains	126.61-3-29	4,031	Parking lot

Figure 3, entitled, “Land Acquisition Map,” shows the area proposed for redevelopment and the 6 parcels proposed for acquisition.

This plan does not compel the City or the Agency to acquire these parcels. The buildings on properties acquired in accordance with this Plan are not proposed for demolition at this time, as they are not needed to effectuate the objectives of this Plan.

The Plan seeks to minimize commercial uses and activities on the Franklin Avenue side of the site as follows:

- Prohibit or restrict commercial loading activities from the Franklin Avenue side of the site.
- Permit access from Franklin Avenue to the development site only to above-ground parking garage to be developed on Franklin Avenue and only for municipal parking facility permit holders and residents of any new development in the Project Area.
- Prohibit above-ground commercial uses fronting on Franklin Avenue.

LAND USE PROVISIONS AND BUILDING REQUIREMENTS

PERMITTED USES

The Phase I Plan's land use strategy consists of blending the uses currently permitted in the existing B-3 and RM-1.35 zoning districts. The land uses permitted by the underlying zoning of the WPUR-14 are generally appropriate. However, with the acquisition and assemblage of parcels for redevelopment, certain existing parcels currently located in different districts with different dimensional standards and permitted uses may be appropriate for classification as a single development site. Therefore, some zoning changes to dimensional standards and permitted uses may be needed to achieve the goals of this Plan. By encouraging re-development through one mixed-use development site, coverage in the B-3 may be extended into the RM-0.35 portion of the site provided the aggregate building coverage for the development site does not exceed the total combined coverage permitted on each lot.

Mixed-use development with ground floor retail and residential and/or office space above will be encouraged in the appropriate zoning district.

The vision for the urban renewal area is to promote a vibrant mixed-use district that will provide new residential development while incorporating ground floor retail, restaurant, and motor vehicle sales and rental facilities while relocating the accessory repair shops below grade which preserves the character of the surrounding area and is compatible with the existing scale of the area and current uses. Retail uses developed and/or enhanced along Westchester Avenue should serve both the surrounding neighborhoods and attract shoppers to the area. The retail uses will include restaurants, shops, and personal services. Uses that complement and support the existing and new multi-family residential uses will be a component of redevelopment of the area. Subject to the amendments described in this section, the existing zoning districts are generally appropriate to implement the land use objectives for the area.

III. CONFORMITY TO THE COMPREHENSIVE PLAN AND CONSISTENCY WITH LOCAL OBJECTIVES

The City's Comprehensive Plan is recognized as the guide for future development of the City of White Plains. Combined, these documents meet the NYS General Municipal Law definition of a "comprehensive community

plan," and establish goals and strategies for the redevelopment and revitalization of the Westchester Avenue corridor area.

The Westchester Avenue Project Area is identified in the City's Comprehensive Plan as an "Area Where Major Redevelopment Could Occur," and recommendations for its redevelopment are included in the discussions of New Corridors and Major Properties. Specific Plan recommendations for the redevelopment of the proposed Westchester Avenue Urban Renewal Project Area are listed below:

- Intersections with high degrees of pedestrian-vehicular conflict are predominantly found along ... Westchester Avenue. Possible modifications to reduce these conflicts include neck downs (sidewalk extensions at intersections), pavement design changes used in other communities, more pedestrian crosswalks, and curbside parking during non-rush hour periods.
- The Plan's vision for this segment of Westchester Avenue is a medium density commercial corridor that clearly separates the commercial "Specialty Retail Area" on the south side of Westchester Avenue from the intermediate business district to the north of Westchester Avenue.
- The zoning along the northerly side of Westchester Avenue from the supermarket access road to Armory Place should remain B-3 Intermediate Business district. Any development in this area must be carefully assessed to ensure that traffic and parking impacts will not negatively impact residential uses in the RM-0.35 residential district along Franklin Avenue.
- Protect the residential neighborhoods of Eastview and Carhart, which abut the Core Area's Specialty Retail Area and Westchester Avenue, from intrusion of commercial uses, accessory uses and their impacts, including parking, traffic and conversion of residential uses to nonresidential uses.
- The Plan's vision for the Eastview School and the adjacent publicly and privately-owned properties running through to Westchester Avenue ... envisions the unified redevelopment of the northern Westchester Avenue frontage with new commercial uses, particularly including a supermarket.
- From an overall perspective, Westchester Avenue would provide a more appropriate frontage for retail development than would the Eastview property. The area presently contains a mix of uses, including a municipal parking lot with development significantly less than the zoning potential. The opening of The Westchester has increased the value of Westchester Avenue as a retail location. Any commercial development along this frontage should have access from Westchester Avenue, preferably at the Bloomingdale Road intersection and not from neighborhood streets such as Franklin Avenue or Amherst Place.

The proposed designation of the project area for urban renewal purposes is consistent with identification in the Comprehensive Plan as an "Area Where Major Redevelopment Could Occur". In addition, the designation of the Project Area is consistent with the Plan's identification of public safety issues related to pedestrian/vehicular conflicts along the Westchester Avenue corridor. The Phase I Plan's goals for the area are all consistent with the use of urban renewal powers to assist in the redevelopment of the area. In addition, the Westchester Avenue Urban Renewal Phase I Plan conforms to all local requirements, including zoning requirements, as amended.

IV. PROJECT PROPOSALS

To achieve the development envisioned in this Plan, a program of acquisition and demolition will be undertaken by a combination of actions by a designated private redeveloper(s) and the City of White Plains. These activities will result in the disposition of properties in the Phase I Project Area for redevelopment in accordance with this Plan. This program of acquisition and demolition is discussed below.

A. LAND ACQUISITION

This Plan provides for the acquisition of properties in the Phase I Project Area by the Agency and a designated private redeveloper for redevelopment purposes. Properties to be acquired for redevelopment are listed in Section II(C) above. No acquisition and development of air rights is contemplated. The specific land acquisition actions are listed below:

- The 153-space municipal parking lot on Franklin Avenue will be acquired by the Agency for the purpose of constructing a parking garage that will increase available spaces for off-street, overnight parking for residents of the neighborhood and sufficient parking to meet the parking needs of new development in the Phase I Project Area.
- The driveway adjacent to the Westchester Burger Company building and rear parking area, located at 106 Westchester Avenue, will be acquired for the purpose of providing safe ingress to the Project Area and safe access to surface parking for the restaurant use at 106 Westchester Avenue.
- A portion of the Avis/Budget rental car parcel (116 Westchester Avenue) will be acquired to allow for the construction of a sidewalk/pedestrian walkway that will connect the Franklin-Windsor/Eastview neighborhood with Westchester Avenue.

The following will apply to the acquisition of property in the Project Area by the White Plains Urban Renewal Agency:

- All real property within the Project Area shown on the Land Acquisition Map as “to-be-acquired” (“TBA”) may be acquired for redevelopment and/or clearance. In general, however, the intention is not to acquire the parcels for demolition but for rights that may include acquisition of fee or easement interest, including leasehold interests in and/or encumbering the real property.
- Where property information and final engineering designs indicate the need for minor revisions in the assemblage parcel property lines, those properties which are “not-to-be-acquired” (“NTBA”) may be acquired, in whole or in part (severance), as needed.
- Similarly, where property information and final engineering designs indicate the need for revisions in severance lines, properties identified as TBA may not be acquired.
- Additionally, property identified as TBA as part of an assemblage of parcels may subsequently be determined to be unnecessary for the assemblage parcel, thus making unnecessary the acquisition of said property, even though it is designated as TBA.

B. RELOCATION

There are no housing units in the Phase I Project Area. As a result, implementation of the Phase I Plan will not require the relocation of any residences.

It is important to note that the Phase I Plan does not require the acquisition of the Westchester Burger restaurant building or of the Avis/Budget rental car building. In addition, it is anticipated that some of the existing on-site businesses will be incorporated in the redevelopment, though not necessarily in their present locations.

C. DEMOLITION

The goals of this Plan do not require the demolition of buildings on the properties “to-be-acquired,” nor does the project involve the rehabilitation of any existing buildings.

D. REDEVELOPMENT

The Phase I Plan calls for the redevelopment of approximately 5.17 acres with a mixed-use project that will transition from commercial uses permitted in the B-3 Zoning District to residential uses along Franklin Avenue in the RM-0.35 Zoning District with the construction of a parking garage that will accommodate the needs of the neighborhood as well as the new residential and commercial uses. The Plan also calls for a redesign of vehicular and pedestrian access to the commercial portion of the site and Franklin Avenue neighborhood.

V. REDEVELOPER OBLIGATIONS

A. RECORDABLE AGREEMENTS

The instrument by which the City or Agency disposes of any Acquisition Parcel within the Project Area or any part thereof to a redeveloper (the “Land Disposition Agreement”) will be recorded in with the Westchester County Clerk Office of Land Records, and with copies provided to the Corporation Counsel, City Clerk of the City of White Plains, Counsel for the Agency, and the Executive Director of the Agency. Such instruments will contain all covenants running with the land which incorporate this Plan by reference and require compliance with the terms and restrictions set forth in this Plan. An amendment to this Plan that becomes effective after the date of disposition of an Acquisition Parcel to a redeveloper will not apply to the real property comprising such Acquisition Parcel unless, following the effective date of such amendment, the City and/or Agency and the owner of such real property execute a written agreement, approved as to form by the City’s Corporation Counsel and, in the case where such disposition of acquired property was by the Agency, the Counsel to the Agency, providing that such amendment shall thereafter apply to such real property.

B. LAND USE RESTRICTION

To prevent speculation in land holding in the Project Area, all private developers will be required to commence and complete the building of all proposed approved improvements within a reasonable time following their acquisition of the real property and any easements or leasehold interested therein.

C. TIMELY PERFORMANCE

Each redeveloper will be required to expeditiously apply for all required governmental approvals and to begin and complete the redevelopment and construction of the improvements mandated by this Plan and agreed upon in the approved Land Disposition Agreement and such other disposition instruments within a reasonable time.

D. NON-DISCRIMINATION

Each redeveloper, its successors and assigns of the land conveyed or any part thereof, and any lessee of the land conveyed or any part thereof (i) will not enter into any agreement, lease, conveyance, or other instrument which restricts the sale, lease, or occupancy of such land or any part thereof upon the basis of race, color, national origin,

ancestry, lineage status, religion, creed, age, sex, marital status, sexual orientation, or disability, and (ii) will comply with all applicable Federal, State, and City laws in effect from time to time prohibiting discrimination or segregation by reason of race, color, national origin, ancestry, alienage status, religion, creed, age, sex, marital status, sexual orientation, or disability in the sale, lease, or occupancy of the property.

E. DESIGN REVIEW

The Agency may require any redeveloper to submit site plans, landscape plans, architectural drawings, outline specifications, schedules of materials and finishes, and/or final working drawings, in sufficient detail to permit determination of compliance with the controls of this Plan and the Land Disposition Agreement, for Agency approval prior to approval of such plans by the Common Council of the City of White Plains. Prior to commencement of construction, the designated redeveloper shall submit to the Agency any material change to such documents requiring approval by the Agency, whether or not approval by the Common Council is required. Prior to action on such changes the Agency shall consult with the Counsel to the Agency and Agency staff. In addition, the City's Design Review Board will review any proposed new buildings and signage.

F. RESTRICTION ON TRANSFER PRIOR TO COMPLETION

A redeveloper of any real property, easement, or leasehold interest therein, which has been acquired from the White Plains Urban Renewal Agency pursuant to Article 15A of the General Municipal Law, or by the City acting in its urban renewal capacity, pursuant to General Municipal Law Article 15, may not sell, without prior approval of the Agency and the Common Council, any or all interest in Project Area property prior to the completion of redevelopment activities.

G. CERTIFICATE OF COMPLETION

Each redeveloper of an Acquisition Parcel will be required to provide the Agency with "as-built" drawings, which the Agency will use for final determination of compliance and issuance of a Certificate of Completion in accordance with the terms of the disposition instruments.

VI. PROPOSED PUBLIC, SEMI-PUBLIC, PRIVATE, OR COMMUNITY FACILITIES OR UTILITIES

To achieve the community's objectives and to target public investments in a manner which benefits the community, the Agency may improve or construct public facilities and utilities within public rights-of-way, easements, or on public property. These may include public utilities; street improvements; pedestrian sidewalks, crosswalks, signalization improvements, etc.; recreational facilities and open spaces; parking facilities and safety-related public facilities.

In addition, the designated redeveloper(s) will make improvements to facilities, such as, but not limited to, municipal and private parking; water, storm and sanitary sewer lines; vehicular and pedestrian access and circulation; landscaping; and other such improvements that may be needed to adequately serve the Project Area and the affected surrounding community. Public facilities contemplated within the Phase I Urban Renewal Area include such street and sidewalk improvements, including connections to the property line, as may be necessary to serve any proposed development, and off-street parking facilities to serve residents of the neighborhood.

Public improvements may include the design, construction, reconstruction, repair or replacement of sidewalks, streets, pedestrian amenities and other public infrastructure deemed appropriate to achieve the goals and objectives of the Phase I Plan, including, but not limited to:

1. Sidewalks, crosswalks, pedestrian-oriented lighting, and other pedestrian improvements.
2. On- and off-street parking facilities and structures;
3. Signage for directional and informational purposes;
4. Streetscape amenities including benches, lights, and bus shelters;
5. Storm water, sanitary sewer, water, power, communication, and other public or private utility infrastructure;
6. Upgraded streets, if needed;
7. Attractive, adequate, and durable landscaping treatments;
8. Right-of-way improvements, as needed, to enhance safe and convenient auto, pedestrian, transit, and bicycle access;
9. Improvements related to the function of the Project Area as a major gateway to downtown White Plains;
10. Publicly accessible pedestrian plazas, pocket park, or rooftop recreational facilities.

VII. PROPOSED METHODS OR TECHNIQUES OF URBAN RENEWAL

This Plan proposes acquisition of designated properties in the Project Area, designation of easements over certain parcels, and reuse of certain of the properties for development of new housing, businesses, and parking.

VIII. STATEMENT AS TO PROPOSED NEW CODES AND ORDINANCES AND AMENDMENTS TO EXISTING CODES AND ORDINANCES AS ARE REQUIRED OR NECESSARY TO EFFECTUATE THIS PLAN

The Zoning Ordinance may be amended to allow limited retail or service uses in the RM-0.35 zoning district consistent with a mixed-used project, which transitions from commercial along Westchester Avenue to Residential along Franklin Avenue, provided that access to parking and loading areas for those commercial uses occurs on Westchester Avenue.

Amendments to the Zoning Ordinance with respect to the dimensional standard in the B-3 (Intermediate Business District) or to the dimensional and use standards in the RM-0.35 (Residential Multi-Family District), including height and coverage, may be necessary to facilitate the planned redevelopment of the Phase I Project Area.

Also, amendments to allow for accessory motor vehicle repair shops to be located anywhere on the site provided all access for the use is from a County or State road and the use is located entirely below grade.

Finally, amendments to the Zoning Ordinance with respect to “development sites,” which amendments are consistent with the Comprehensive Plan objectives for the Project Area, may be necessary to facilitate the planned redevelopment of the Phase I Project Area and improvement of properties in the Project Area. Moreover, it may be necessary to make amendments to the Traffic Ordinance or Sign Ordinance to effectuate the implementation of this Plan.

IX. PROPOSED TIME SCHEDULE FOR THE EFFECTUATION OF THIS PLAN

Effectuation of this Plan will commence upon approval and adoption of the Phase I Plan by the Common Council of the City of White Plains ("Common Council"). The time schedule that follows is a general guide and contains approximate target dates that the City will make every reasonable effort to meet:

1. Zoning Ordinance Amendment: April 2015
2. Acquisition of Real Property: July 2015
3. Disposition and Redevelopment: September 2015

X. DURATION OF PLAN CONTROLS

The regulations and controls contained in this Plan shall be binding and effective by redevelopment agreement, deed or lease upon all purchasers or lessees of land (and their heirs or assigns) in the Project Area, covered by the Plan, from the date of approval of this Plan by the Common Council of the City of White Plains for a period of forty (40) years, unless amended as provided herein.

XI. PROCEDURE FOR CHANGES IN APPROVED PLAN

The provisions of this Plan may be modified or amended at any time by the Common Council in accordance with the provisions of Article 15 and Article 15A of New York General Municipal Law. This Urban Renewal Plan may be modified at any time by the City of White Plains, provided: if modified after the lease or sale of real property in the Project Area, the modification must be consented to by the redeveloper or developers of such real property or the successor or successors in interest affected by the proposed modification. Where the proposed modification will substantially change said Plan, the approval of the proposed modification shall follow the same procedure as that which governed the adoption of this Plan. AMENDMENT PROCESS Any provision of this Urban Renewal Plan may be amended if the Common Council determines that it is necessary and desirable to do so. Such an amendment must be approved in the same manner as was the adoption of this Urban Renewal Plan (including a public hearing). Amendments refer to major, substantive changes in proposals set forth in the Urban Renewal Plan. Minor amendments may be approved by the Common Council after public discussion and opportunity for public comment at a Common Council meeting without a formal public hearing.

XII. PROVISIONS TO PRESERVE THE INTEGRITY OF THIS PLAN

In order to preserve the integrity of this Plan, the consent of the Common Council, or its designee, will be required, for three years after approval of the Plan, for issuance of a building construction or alteration permit, or certificate of occupancy for a structure or use within the Project Area, unless construction, alteration, or use is necessary for the immediate protection of public health and safety. The Common Council, or its designee, shall base its authorization upon a determination that the proposed construction, alteration or use is consistent with this Plan.

FIGURE 1

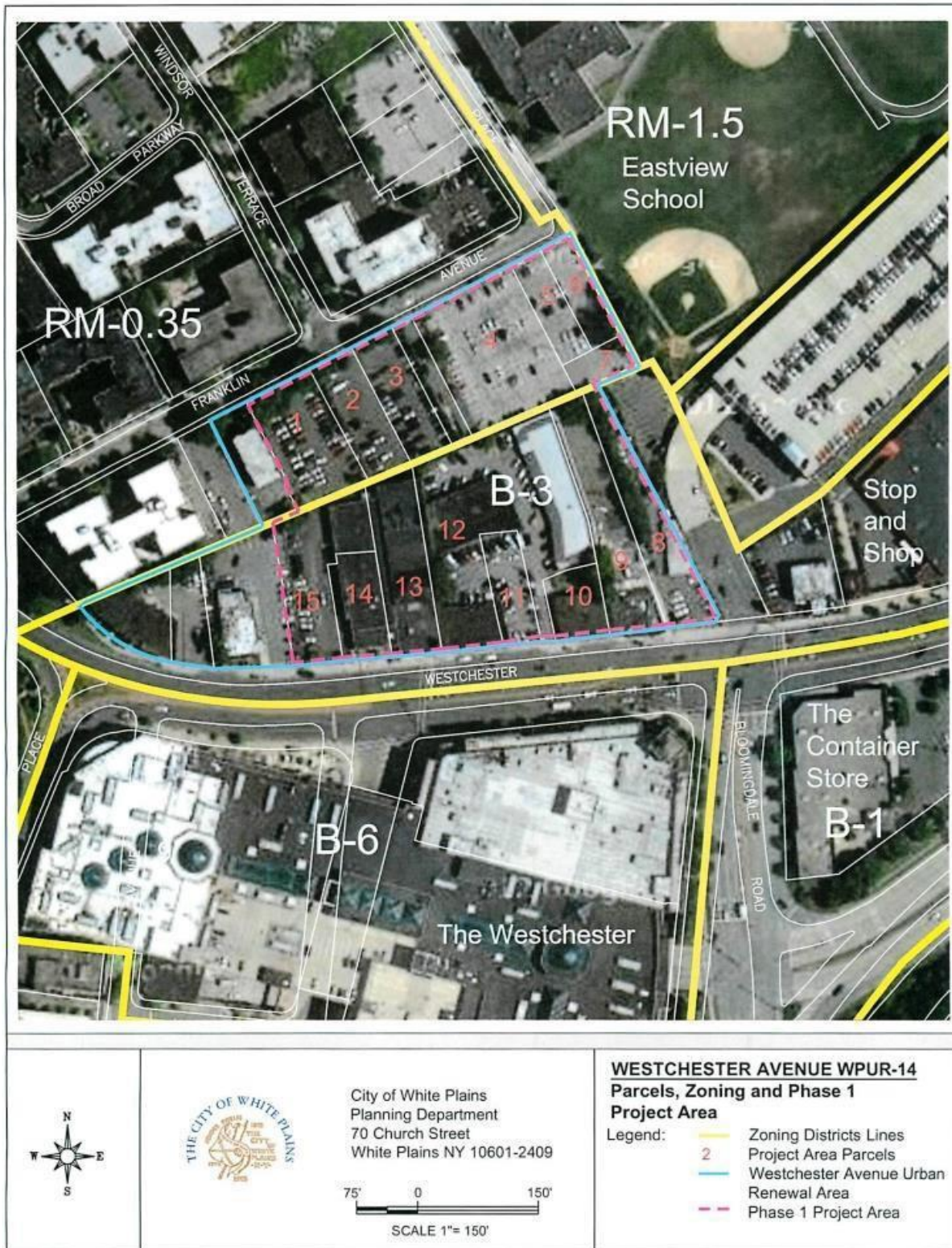


FIGURE 2

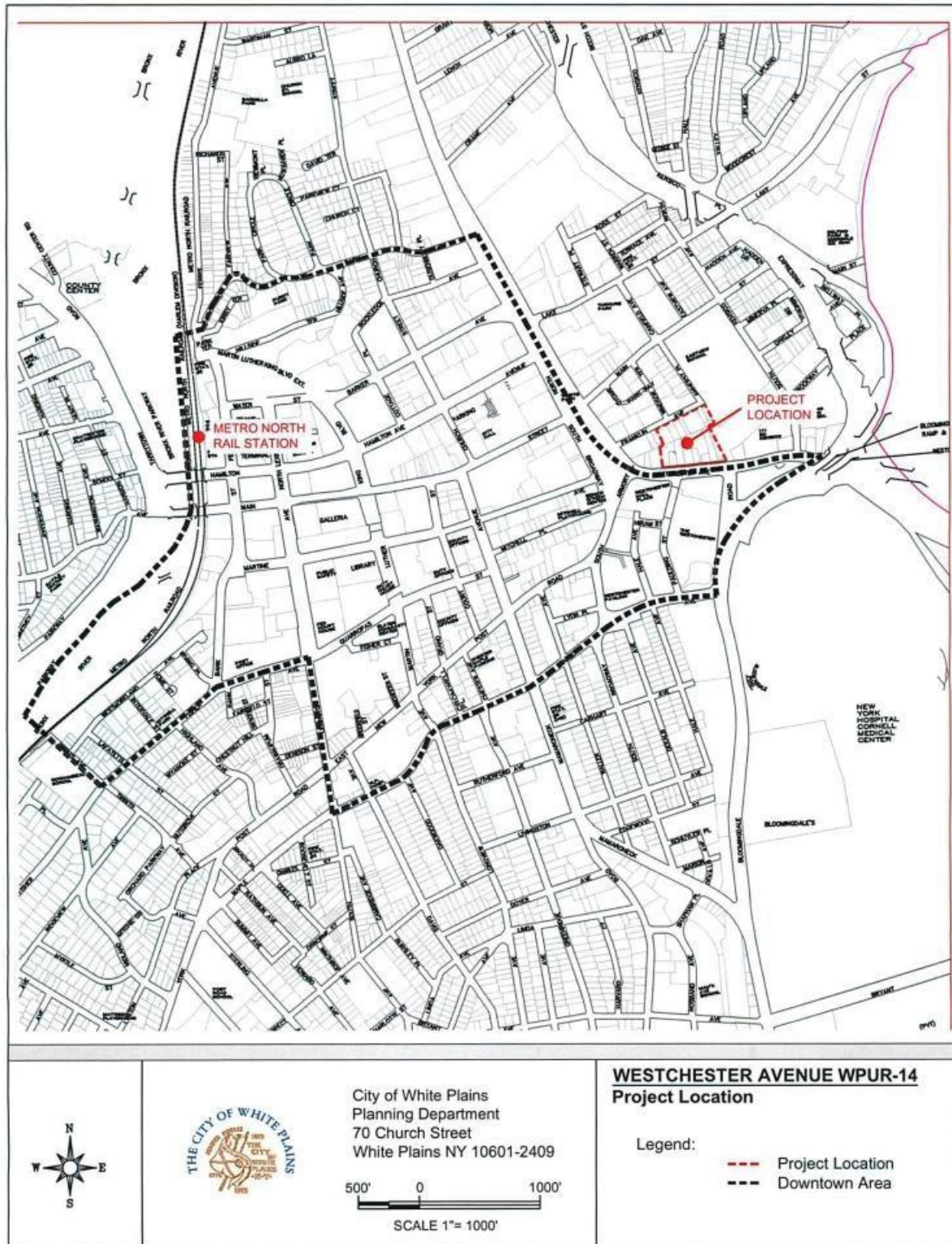


FIGURE 3

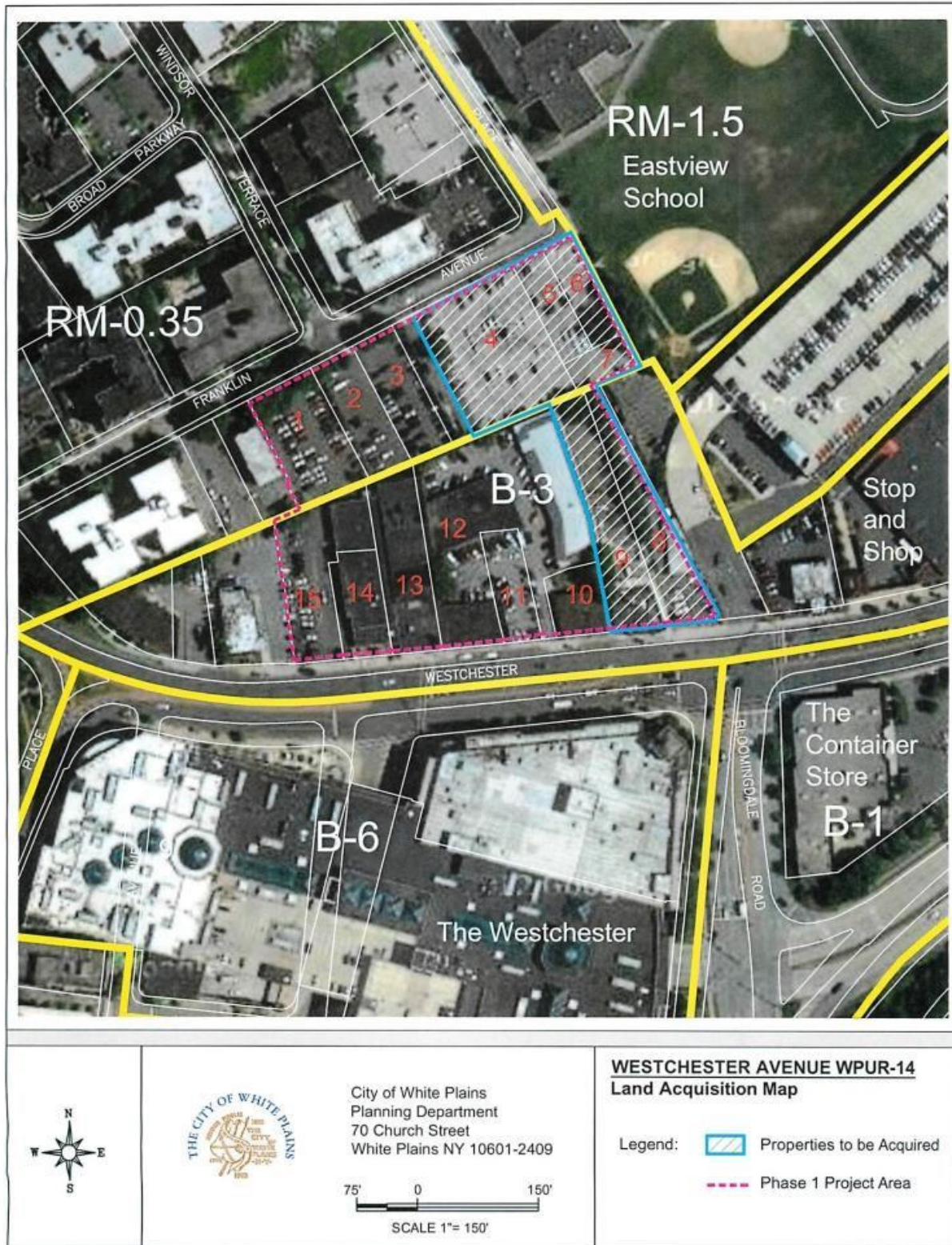


EXHIBIT A
WESTCHESTER AVENUE URBAN RENEWAL PROJECT
PROJECT NO. WPUR-14
PHASE I PROJECT AREA

Boundary Description

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of White Plains, County of Westchester, State of New York, bounded and described as follows:

BEGINNING at a point formed by the division line between property now or formerly 50 Westchester Avenue Realty, and property now or formerly 70 Westchester Avenue, LLC, and the northerly side of Westchester Avenue, said point being distant 509.72 feet to the southerly side of Franklin Avenue;

THENCE, from said point of beginning, along said division line, N.02°54'00"E ., a distance of 97.67 feet;

THENCE, N.00°12'40"E ., a distance of 75.11 feet;

THENCE, N.02°42'50"E ., a distance of 18.47 feet to a point on the southerly side of property at 26 Franklin Avenue;

THENCE, along the division line between property now or formerly 26 Franklin Avenue, LLC, and property now or formerly 70 Westchester Avenue, LLC, N.76°39'45"E ., a distance of 36.96 feet;

THENCE, N.17°33'10"W ., a distance of 39.75 feet;

THENCE, N.72°26'50"E ., a distance of 5.00 feet;

THENCE, N.17°33'10"W ., a distance of 120.00 feet to a point on the southerly side of Franklin Avenue;

THENCE, along said southerly side of Franklin Avenue, N.72°41'02"E ., a distance of 156.65 feet;

THENCE, N.72°38'30"E., a distance of 328.95 feet to a point on the division line between property now or formerly City of White Plains and White Plains City School District (Eastview Middle School);

THENCE, along said division line, S.17°21'30"E ., a distance of 200.16 feet to a point on the northerly side of 120 Westchester Garage LLC;

THENCE, along the division line between property now or formerly 120 Westchester Garage LLC, Winnick Realty LLC, and property now or formerly City of White Plains, S.77°15'00"W ., a distance of 59.83 feet;

THENCE, along the division line between 120 Westchester Garage LLC, and Winnick Realty LLC, S.17°51'02"E ., a distance of 342.60 feet to a point;

THENCE, still along the division line between 120 Westchester Garage LLC and Winnick Realty LLC, S.39°21'37"W ., a distance of 11.66 feet to a point on the northerly side of Westchester Avenue;

THENCE, along said northerly side of Westchester Avenue, N.85°40'00"W ., a distance of 569.05 feet to the division line between property now or formerly 50 Westchester Avenue Realty and property now or formerly 70 Westchester Avenue, LLC, the point and place of BEGINNING.